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Ex Parte Reexamination Filing Data - September 30, 2012

1. Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	12569
a. By patent owner	3872 31%
b. by other member of the public	8532 68%
c. By order of Commissioner	165 1%
2. Number a. Chemical Operation	3373 27%
b. Electrical Operation	4831 38%
c. Mechanical Operation	4178 33%
d. Design Patents	187 1%
3. Annual <i>Ex Parte</i> Reexam Filings	
Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No Fiscal Yr. No	
1981 78 (3 mos.) 1989 243 1997 376 2005 524	
1982 187 1990 297 1998 350 2006 511	
1983 186 1991 307 1999 385 2007 643	
1984 189 1992 392 2000 318 2008 680	
1985 230 1993 359 2001 296 2009 658	
1986 232 1994 379 2002 272 2010 780	
1987 240 1995 392 2003 392 2011 759	
1988 268 1996 418 2004 441 2012 788	
4. Number known to be in litigation.....	3994 32%
5. Decisions on requests.....	11737
a. No. granted.....	10755 92%
(1) By examiner	10762
(2) By Director (on petition)	122
b. No. denied.....	982 8%
(1) By examiner	961
(2) Reexam vacated	35
6. Total examiner denials (includes denials reversed by Director).....	1078
a. Patent owner requester	496 46%
b. Third party requester	582 54%
7. Overall reexamination pendency (Filing date to certificate issue date)	
a. Average pendency	27.9 (mos.)
b. Median pendency	20.5 (mos.)

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	21%	22%	11%	21%
b. All calims canceled	8%	12%	24%	11%
c. Claims changed	71%	66%	65%	68%
9. Total ex parte reexamination certificates issued (1981 – present)				9328
a. Certificates with all claims confirmed			2029	22%
b. Certificates with all claims canceled			1063	11%
c. Certificates with claims changes			6236	67%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER				3176
a. All claims confirmed			669	21%
b. All calims canceled			280	9%
c. Claims changed			2227	70%
b. Certificates – 3rd PARTY REQUESTER				6026
a. All claims confirmed			1348	22%
b. All calims canceled			745	12%
c. Claims changed			3933	65%
c. Certificates – COMMISSIONER INITIATED REEXAM				164
a. All claims confirmed			18	11%
b. All calims canceled			38	23%
c. Claims changed			108	66%



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Ex Parte Reexamination Filing Data - September 30, 2011

1. Total requests filed since start of *ex parte* reexam on 07/01/81.....11782¹
 - a. By patent owner 3801 33%
 - b. By other member of public 7815 66%
 - c. By order of Commissioner 166 1%

2. Number of filings by discipline
 - a. Chemical Operation 3211 27%
 - b. Electrical Operation 4405 37%
 - c. Mechanical Operation 3987 34%
 - d. Design Patents 179 2%

3. Annual *Ex Parte* Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392	2011	759
1988	268	1996	418	2004	441		

4. Number known to be in litigation.....3894.....33%

5. Decisions on requests.....11262
 - a. No. granted.....10333.....92%
 - (1) By examiner 10213
 - (2) By Director (on petition) 120
 - b. No. denied929.....8%
 - (1) By examiner 894
 - (2) Reexam vacated 35

¹Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6. Total examiner denials (includes denials reversed by Director).....	1014			
a. Patent owner requester	476			47%
b. Third party requester	538			53%
7. Overall reexamination pendency (Filing date to certificate issue date)				
a. Average pendency	25.6 (mos.)			
b. Median pendency	19.9 (mos.)			
8. Reexam certificate claim analysis:	<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>	<u>Overall</u>
	<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>	
a. All claims confirmed	21%	24%	11%	23%
b. All claims cancelled	9%	12%	23%	11%
c. Claims changes	70%	64%	66%	66%
9. Total <i>ex parte</i> reexamination certificates issued (1981 – present)	8578			
a. Certificates with all claims confirmed	1943			23%
b. Certificates with all claims canceled	974			11%
c. Certificates with claims changes	5661			66%
10. Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER	3040			
(1) All claims confirmed	651			21%
(2) All claims canceled	264			9%
(3) Claim changes	2125			70%
b. Certificates – 3 rd PARTY REQUESTER	5380			
(1) All claims confirmed	1274			24%
(2) All claims canceled	674			12%
(3) Claim changes	3432			64%
c. Certificates – COMMISSIONER INITIATED REEXAM	158			
(1) All claims confirmed	18			11%
(2) All claims canceled	36			23%
(3) Claim changes	104			66%



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Ex Parte Reexamination Filing Data - September 30, 2010

1. Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	11023 ¹
a. By patent owner	3697 34%
b. By other member of public	7161 65%
c. By order of Commissioner	165 1%
2. Number of filings by discipline	
a. Chemical Operation	3068 28%
b. Electrical Operation	4010 36%
c. Mechanical Operation	3771 34%
d. Design Patents	174 2%
3. Annual <i>Ex Parte</i> Reexam Filings	
Fiscal Yr. No. Fiscal Yr. No. Fiscal Yr. No. Fiscal Yr. No.	
1981 78 (3 mos.) 1989 243 1997 376 2005 524	
1982 187 1990 297 1998 350 2006 511	
1983 186 1991 307 1999 385 2007 643	
1984 189 1992 392 2000 318 2008 680	
1985 230 1993 359 2001 296 2009 658	
1986 232 1994 379 2002 272 2010 780	
1987 240 1995 392 2003 392	
1988 268 1996 418 2004 441	
4. Number known to be in litigation.....	3568.....32%
5. Decisions on requests.....	10495
a. No. granted.....	9648.....92%
(1) By examiner	9534
(2) By Director (on petition)	114
b. No. denied	847.....8%
(1) By examiner	812
(2) Reexam vacated	35

¹Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	926		
a.	Patent owner requester	451	49%	
b.	Third party requester	475	51%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	25.5 (mos.)		
b.	Median pendency	20.0 (mos.)		
8.	Reexam certificate claim analysis:	<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
a.	All claims confirmed	22%	25%	12%
b.	All claims cancelled	8%	13%	23%
c.	Claims changes	70%	62%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)	7782		
a.	Certificates with all claims confirmed	1817	23%	
b.	Certificates with all claims canceled	893	12%	
c.	Certificates with claims changes	5072	65%	
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.			
a.	Certificates – PATENT OWNER REQUESTER	2947		
(1)	All claims confirmed	638	22%	
(2)	All claims canceled	251	8%	
(3)	Claim changes	2058	70%	
b.	Certificates – 3 rd PARTY REQUESTER	4681		
(1)	All claims confirmed	1161	25%	
(2)	All claims canceled	607	13%	
(3)	Claim changes	2913	62%	
c.	Certificates – COMMISSIONER INITIATED REEXAM	154		
(1)	All claims confirmed	18	12%	
(2)	All claims canceled	35	23%	
(3)	Claim changes	101	65%	



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Ex Parte Reexamination Filing Data - September 30, 2009

1. Total requests filed since start of *ex parte* reexam on 07/01/81..... 10243¹
 - a. By patent owner 3634 35%
 - b. By other member of public 6444 63%
 - c. By order of Commissioner 165 2%

2. Number of filings by discipline
 - a. Chemical Operation 2931 29%
 - b. Electrical Operation 3596 35%
 - c. Mechanical Operation 3554 34%
 - d. Design Patents 162 2%

3. Annual *Ex Parte* Reexam Filings

Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272		
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		

4. Number known to be in litigation.....3221.....31%

5. Decisions on requests.....9833
 - a. No. granted.....9041.....92%
 - (1) By examiner 8928
 - (2) By Director (on petition) 113
 - b. No. denied792.....8%
 - (1) By examiner 757
 - (2) Reexam vacated 35

¹Of the requests received in FY 2009, 22 requests have not yet been accorded a filing date, and preprocessing of 41 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	870		
a.	Patent owner requester	445	51%	
b.	Third party requester	425	49%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	25.2 (mos.)		
b.	Median pendency	19.7 (mos.)		
8.	Reexam certificate claim analysis:			
		<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	22%	26%	12%
b.	All claims cancelled	8%	13%	23%
c.	Claims changes	70%	61%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)	7089		
a.	Certificates with all claims confirmed	1725	25%	
b.	Certificates with all claims canceled	807	11%	
c.	Certificates with claims changes	4557	64%	
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.			
a.	Certificates – PATENT OWNER REQUESTER	2827		
	(1) All claims confirmed	625	22%	
	(2) All claims canceled	233	8%	
	(3) Claim changes	1969	70%	
b.	Certificates – 3 rd PARTY REQUESTER	4111		
	(1) All claims confirmed	1082	26%	
	(2) All claims canceled	540	13%	
	(3) Claim changes	2489	61%	
c.	Certificates – COMMISSIONER INITIATED REEXAM	151		
	(1) All claims confirmed	18	12%	
	(2) All claims canceled	34	23%	
	(3) Claim changes	99	65%	



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Ex Parte Reexamination Filing Data - September 30, 2008

1.	Total requests filed since start of <i>ex partes</i> reexam on 07/01/81	9585 ¹																																																																										
	a. By patent owner	3567	37%																																																																									
	b. By other member of public	5853	61%																																																																									
	c. By order of Commissioner	165	2%																																																																									
2.	Number of filings by discipline																																																																											
	a. Chemical Operation	2811	29%																																																																									
	b. Electrical Operation	3261	34%																																																																									
	c. Mechanical Operation	3357	35%																																																																									
	d. Design Patents	156	2%																																																																									
3.	Annual Ex Parte Reexam Filings																																																																											
	<table><tr><td>Fiscal Yr.</td><td>No.</td><td>Fiscal Yr.</td><td>No.</td><td>Fiscal Yr.</td><td>No.</td><td>Fiscal Yr.</td><td>No.</td></tr><tr><td>1981</td><td>78 (3 mos.)</td><td>1989</td><td>243</td><td>1997</td><td>376</td><td>2005</td><td>524</td></tr><tr><td>1982</td><td>187</td><td>1990</td><td>297</td><td>1998</td><td>350</td><td>2006</td><td>511</td></tr><tr><td>1983</td><td>186</td><td>1991</td><td>307</td><td>1999</td><td>385</td><td>2007</td><td>643</td></tr><tr><td>1984</td><td>189</td><td>1992</td><td>392</td><td>2000</td><td>318</td><td>2008</td><td>680</td></tr><tr><td>1985</td><td>230</td><td>1993</td><td>359</td><td>2001</td><td>296</td><td></td><td></td></tr><tr><td>1986</td><td>232</td><td>1994</td><td>379</td><td>2002</td><td>272</td><td></td><td></td></tr><tr><td>1987</td><td>240</td><td>1995</td><td>392</td><td>2003</td><td>392</td><td></td><td></td></tr><tr><td>1988</td><td>268</td><td>1996</td><td>418</td><td>2004</td><td>441</td><td></td><td></td></tr></table>	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	1981	78 (3 mos.)	1989	243	1997	376	2005	524	1982	187	1990	297	1998	350	2006	511	1983	186	1991	307	1999	385	2007	643	1984	189	1992	392	2000	318	2008	680	1985	230	1993	359	2001	296			1986	232	1994	379	2002	272			1987	240	1995	392	2003	392			1988	268	1996	418	2004	441					
Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.																																																																					
1981	78 (3 mos.)	1989	243	1997	376	2005	524																																																																					
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4.	Number known to be in litigation.....	2849.....	30%																																																																									
5.	Decisions on requests.....	9219																																																																										
	a. No. granted.....	8467.....	92%																																																																									
	(1) By examiner	8354																																																																										
	(2) By Director (on petition)	113																																																																										
	b. No. denied	752.....	8%																																																																									
	(1) By examiner	717																																																																										
	(2) Reexam vacated	35																																																																										

¹Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reserved by Director).....	830		
a.	Patent owner requester	441	53%	
b.	Third party requester	389	47%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	24.5 (mos.)		
b.	Median pendency	19.0 (mos.)		
8.	Reexam certificate claim analysis:			
		<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	22%	28%	12%
b.	All claims cancelled	8%	13%	21%
c.	Claims changes	70%	59%	67%
9.	Total ex parte reexamination certificates issued (1981 – present)	6457		
a.	Certificates with all claims confirmed	1624	25%	
b.	Certificates with all claims canceled	721	11%	
c.	Certificates with claims changes	4112	64%	
10.	Reexam claim analysis – requester is patent owner or 3 rd party; or Comm'r initiated.			
a.	Certificates – PATENT OWNER REQUESTER	2722		
	(1) All claims confirmed	611	22%	
	(2) All claims canceled	214	8%	
	(3) Claim changes	1897	70%	
b.	Certificates – 3 rd PARTY REQUESTER	3588		
	(1) All claims confirmed	995	28%	
	(2) All claims canceled	476	13%	
	(3) Claim changes	2117	59%	
c.	Certificates – COMM'R INITIATED REEXAM	147		
	(1) All claims confirmed	18	12%	
	(2) All claims canceled	31	21%	
	(3) Claim changes	98	67%	